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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourteenth session

SUMMARY RECORD OF THE 359th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 16 January 1997, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Myanmar (continued) (CRC/C/8/Add.9; CRC/C/Q/Mya.1 (list of issues); written replies by the Government of Myanmar, with no document symbol)

1. At the invitation of the Chairperson, the members of the delegation of Myanmar resumed their places at the Committee table.

2. The CHAIRPERSON invited the members of the delegation of Myanmar to answer the questions asked by Committee members at the previous meeting.

3. Mr. U THAN PO (Myanmar) said that the concern expressed in the Committee about possible discrimination against certain categories of the population was groundless. In Myanmar, all citizens enjoyed equal rights and were equal before the law, and all educational programmes established at the national and regional levels took account of any differences that might exist between individuals so as to ensure that those differences never gave rise to discrimination. Furthermore, children could express themselves freely and address schoolteachers, social workers and police officers with perfect confidence, and specialized services were authorized to receive complaints from children and to conduct inquiries. Lastly, any child who had been ill-treated was immediately taken in charge by a specialized body.

4. Mr. U DENZIL ABEL (Myanmar) added that there was also no discrimination on religious grounds in Myanmar and that freedom of worship, both in the case of Buddhism, the majority religion, and in the case of Christianity, Islam, Hinduism and animism, was completely unrestricted. Nor were there any limits on freedom of political opinion; no child could be ill-treated because of the political opinions of his parents.

5. Mrs. NYO NYO (Myanmar) said that in her country very few children were born out of wedlock. Children abandoned by their mothers in hospital were immediately looked after by the Ministry of Social Welfare and, in some cases, subsequently adopted by a family from Myanmar.

6. Mr. U DENZIL ABEL (Myanmar) added that the public-spiritedness which prevailed in his country facilitated the harmonious resolution of situations of that type.

7. Mr. HLA BU (Myanmar) said that in his country NGOs, various medical associations and community representatives collaborated with international organizations such as UNICEF, UNDP and WHO in guaranteeing the full realization of the rights of the child. At the governmental level, there was an education committee and a health committee. The frontier regions were now covered by far-reaching vaccination campaigns which would, inter alia, eradicate poliomyelitis in the near future; infant mortality had decreased considerably in those regions. However, the basic services remained insufficient in remote and inaccessible regions.

8. Generally speaking, Myanmar was short of qualified personnel and technicians, and greatly welcomed any proposal for assistance by international partners. In that connection, a special tribute should be paid to the Red Cross, which played a considerable role in his country. Furthermore, the success achieved in the health sector would give a fillip to other activities in aid of children.

9. Information campaigns in schools stressed the risks related to smoking and drugs, and the need to take precautions against venereal diseases and the AIDS virus. Oral rehydration therapy was being used to combat diarrhoeal illnesses and the authorities had also initiated a campaign to promote breast-feeding. With the help of the Red Cross, children were being made aware of hygiene and health questions in general. They also took courses in civics, which encouraged them to participate in public life.

10. Mrs. THAN THAN ZIN (Myanmar) said that the education policy pursued by her Government guaranteed all citizens equality of opportunity. However, infrastructures were still in need of improvement, and between the different regions there were still disparities which the authorities were endeavouring to eliminate through effective intervention. Four projects, supported by United Nations agencies, were currently under way and UNDP was supporting two projects aimed at improving school attendance rates and the quality of primary education in rural areas. The authorities were also engaged in building new schools, renovating old schools, and improving teacher training and the health monitoring of pupils. Those programmes were aimed primarily at disadvantaged rural areas and remote areas.

11. Children and young people were free to participate in the cultural, social and religious activities organized for them. In each school there was a school council, presided over by the headmaster and composed of teachers and pupils elected by the pupils.

12. On the question of ethnic minorities, it was planned to devote 5 of the 10 classes reserved each week for optional additional education to mother-tongue teaching for children belonging to the various national ethnic groups, in other words, approximately three and a half hours of classes a week. However, the Ministry of Education did not supply the teaching materials necessary for that purpose. It should be pointed out that the 135 ethnic groups which existed in Myanmar did not all have their own language.

13. As to the publicity given to the Convention, she said that two seminars sponsored by the Ministry of Health and UNICEF had sensitized the representatives of various communities to the objectives set out in the Convention and in the national plan of action for children. Courses providing training in the principles laid down in the Convention were given to teachers, but the actual study of the Convention was not yet included in general school curricula. Corporal punishment was forbidden in schools. A child who infringed school discipline was punished and generally sent home, but if the teacher opted for too severe a penalty, the pupil could lodge a complaint with the authorities. A pupil could not be expelled except for a serious offence punishable by law.

14. Mrs. SANTOS PAIS said that the principles enunciated in the Convention should be included in school curricula; to that end the Myanmar authorities should cooperate with UNICEF, the Centre for Human Rights and the international NGOs which had great experience with the implementation of the Convention. She regretted that not all the provisions of article 2 of the Convention, in particular, were fully reflected in the legislation of Myanmar and asked why freedom of expression, guarantees of which had been confirmed by the delegation, could only be exercised "in the context of the law".

15. On the question of religion, the fact that adherence to a particular religion was mentioned on the identity card was, in her view, a form of discrimination. Did the education given in monasteries also provide religious instruction to Christian or Muslim children who were too poor to go to the State primary schools?

16. As to education in the ethnic languages, it was important to develop the necessary teaching materials. The best interests of the child must be taken into consideration in each specific case. She asked, for example, what means were available for a child under the age of 12 to refuse enlistment in the armed forces and how the rights of a child obliged to work as a "porter" in the armed forces were protected and safeguarded.

17. Mr. HAMMARBERG reminded the delegation of Myanmar that, in accordance with article 3 of the Convention, "the best interests of the child shall be a primary consideration". That principle must therefore be reflected both in the national Constitution and in the country's political and judicial system. He accordingly wished to know whether procedures were laid down to cover any conflict between the interests of the child and those of society. He also asked the delegation for its opinion on reports of corruption in the school system, for example in relation to the enrolment of pupils, and requested it to describe any measures taken to combat that phenomenon. He also wished to know why schools and universities had been closed for a time. He noted with concern that in remote parts of the country the rape of young girls was commonplace; there again, he would like to be informed of measures taken to combat that phenomenon. As Mrs. Santos Pais had already mentioned, it was unacceptable that children should work as "porters" for the army - apparently on a systematic basis. Alarming reports also referred to the forcible resettlement of populations, without reasonable notice and often under threat of massacres. Those various situations were, of course, particularly tragic for children.

18. Mrs. EUFEMIO requested details on the means of expression available to children. According to the data provided by the delegation of Myanmar, for every 1,000 inhabitants there were only 2 television sets, 5 newspapers and 82 radio sets. How could a child form a judgement if his access to the media was limited in that way and, moreover, if he did not attend school? On a general point, she asked how freedom of expression could be exercised if it was forbidden for more than five people to gather in public.

19. Mr. U AYE (Myanmar) confirmed that Myanmar was a 90 per cent Buddhist country, but said that monastic education was also open to Christians, Muslims, animists, atheists and so on and monasteries accepted girls as well as boys. On the subject of recruitment into the army, the military code

specifically prohibited the enlistment of young men under the age of 18 and, in connection with the employment of children as "porters", the laws in force in the country, which dated back to British times, would be amended in the light of current circumstances.

20. On the question of alleged corruption in the school system, it was indeed true that affluent families could send their children to the best schools but that was by no means a sign of corruption. It was impossible to "buy" diplomas, and serious disciplinary measures would be taken if such a case were to occur.

21. As to the closure of schools and universities, he said that classes had been suspended only during the vacation period, as the international observers had in fact noted. Most students wished to continue their studies normally, but certain agitators were inciting them to break the law. In any event, the schools and universities which had had to be closed for that reason had now been reopened.

22. In connection with the minorities in frontier regions reportedly controlled by the army, he refuted unjust allegations, but nevertheless invited Committee members to give precise details of the persons and places mentioned in order that inquiries might be carried out into the reprehensible activities of the Myanmar army. The groups of insurgents had now concluded agreements with the authorities, military operations in Myanmar had ceased and, thanks to reconciliation, the frontier regions were no longer the scene of internal hostilities.

23. Reference had been made to the prohibition of gatherings of more than five people in Myanmar. In practice, however, demonstrations attended by thousands of people were held in his country and the international media, notably CNN and the BBC, had broadcast a lot of film attesting to that fact.

24. Mr. HAMMARBERG noted from the information available to the Committee, notably a United Nations study on children in situations of armed conflict, that adolescents of 14 or 15 or even younger served in the government army of Myanmar and also in the opposition forces. Similarly, numerous allegations of rape had been made concerning Myanmar. Could the delegation indicate precisely the cases brought before the courts and say in how many cases persons found guilty of rape had been sentenced? The allegations in question might concern serious situations corroborated by facts, but sometimes the persons concerned, out of fear of reprisals, avoided speaking about those cases in their own country. In that connection, the State party might usefully invite the Special Rapporteur on the situation of human rights in Myanmar, appointed by the Commission on Human Rights, to carry out an inquiry on the spot.

25. Mr. KOLOSOV said that the obligation imposed on the State party by article 39 concerning recovery and reintegration was particularly important for a country which, after a long period of conflict and insurrection, was today going through a transitional stage when the rights of the child were in particular jeopardy. Indeed, without appropriate recovery and reintegration, certain children might form a violent, unstable and unhealthy element in society. The State party's economic and budgetary difficulties were well

known, but they did not excuse the abuses of children which occurred, for example, in detention centres. Even though the Myanmar authorities were not being asked to set up institutions and services for children throughout the country, children in need of care must to the fullest extent possible be given the necessary attention.

26. Mrs. SANTOS PAIS, reverting to the question of the monastic schools, noted that there was a certain contradiction between the State party's reply to question 29, which stated that those schools provided education for children too poor to go to State schools, and the report itself, which intimated that those schools enabled the teachings of Buddhism to be instilled in children. Did that mean that in Myanmar children belonging to religions other than Buddhism did not have access to the same educational facilities?

27. As to the allegations concerning abuses, rapes and the recruitment of children into the army, the State party could hardly maintain that the allegations were outdated. In that connection there was recent information originating from United Nations special rapporteurs and special representatives of the Secretary-General. Moreover, since the State party had ratified ILO Convention No. 29 concerning forced labour, why had it not yet repealed the provisions of its domestic legislation authorizing that type of labour, in particular for the army? In that area, too, the information was reliable and clearly showed that children were obliged to do that type of work in conditions that were sometimes dangerous. It was therefore important that the Committee should know whether there was a procedure for examining allegations of abuse in that area, and in how many cases if any penalties had been imposed.

28. With regard to juvenile justice, it seemed that there was no independent mechanism for supervising the situation of children in detention, which was particularly disturbing since the International Committee of the Red Cross (ICRC) was apparently no longer able to act in Myanmar. Questions also arose concerning the legal provision which permitted a non-uniformed policeman to carry out an arrest. In such a situation, how could a child know that he was confronted with a policeman? Lastly, she did not understand why the State party did not repeal the law on the penalty of whipping, which, as it had said itself, was no longer used.

29. Mrs. KARP asked what was being done to verify the real age of children recruited into the armed forces or compelled to perform forced labour. Was a programme of specific treatment planned for children traumatized by the conflict or the after-effects of the conflict in Myanmar? If children had been separated from their families, was essential information given to the parents, as provided for in article 9, paragraph 4, of the Convention? On the question of adoption, she was surprised to read in paragraph 81 of the report that between 1989 and 1993 the adoption of only 54 children under the age of five had been permitted. She also asked what machinery existed to ensure that adopted children did not become victims of abuse and what were the adoption procedures.

30. Referring to the question of juvenile justice, she asked how many children were currently being detained, for what offences and for how long. Were detention centres inspected and were there minimum standards for the treatment of detainees? Did children who wished to lodge complaints have access to the authorities and were visits authorized?

31. As to child prostitution, she understood that an agreement between the Government of Myanmar and the Government of Thailand had been drafted, but unfortunately had not yet been ratified. She asked what the authorities of the State party were doing to prosecute traffickers and whether the families themselves, who were sometimes involved in the traffic, received assistance or were in certain cases prosecuted?

32. Mrs. SARDENBERG asked the delegation to state whether children who received corporal punishment at school could lodge complaints and whether the teachers concerned could be punished. The delegation had said the previous day that the governmental authorities had concluded a cease-fire agreement with 14 rebel groups. What was being done today for children who had been enlisted in the army and were sometimes in conflict with their own families? She asked the delegation to describe conditions in establishments for children who were deprived of their family environment and to say whether those establishments provided conventional schooling. And lastly, how could children placed in those establishments subsequently become integrated into society?

33. Mrs. BADRAN considered that there were real problems in Myanmar concerning the protection of the rights of the child and that the State party could not evade them by saying they merely amounted to allegations. Even if there was only one case of abuse, a serious inquiry should be held. On the question of forced labour by children, the State party must review and amend its legislation since economic difficulties and poverty could not justify certain practices. Assistance with the resettlement of squatters could be sought, for example, from certain United Nations agencies or the World Bank.

34. Mrs. EUFEMIO noted from the report that child labour was authorized only in family firms. In her view, the question should be given further attention since, even in that case, there could be abuses and exploitation of children through lack of control.

35. Mr. U AYE (Myanmar) said allegations that the army recruited young people under the age of 18 were groundless. However, it did happen that, in order to be enlisted, young men pretended they were older than they really were, for example by falsifying their identity papers. The military authorities therefore had to check the age of new recruits very carefully. As to youths under the age of 18 who had fought with the insurgents, the Government had to exercise great indulgence towards them because they were not aware of the consequences of their actions. For that reason, the State was facilitating their reintegration and taking care to ensure that their special needs, and in particular psychological needs, were met. In that connection, his delegation had taken due note of the Committee's suggestion concerning the establishment of a special unit for minors who had been traumatized by the war.

36. On the question of rape, the perpetrators of such an act, whether civilians or servicemen, were liable to severe punishment. Soldiers were well aware that if they committed rape, they would be doubly punished, first by the court martial and then by a civil court. In those circumstances, there was no point in repeating that army personnel systematically engaged in rape and torture. Those allegations must be backed by concrete evidence. For example, the scars and wounds the Special Rapporteur might have noted could very well have been due to causes other than torture. And it was by no means certain that testimony from persons who took an active part in armed insurrection was totally objective.

37. Some members of the Committee had referred to precise cases, which had in fact been notified to the Centre for Human Rights. Those cases concerned adults and his delegation accordingly considered that they were not within the Committee's competence.

38. As to the forcible displacement of populations which had reportedly occurred in 1996 in the Shan district, it should be made clear that the persons concerned were in fact insurgents who had fled their villages with their families and the belongings they had been able to carry with them so as to avoid being arrested by the army. Those persons settled on the other side of the frontier, from which they launched offensives against villages and the army.

39. With regard to living conditions in detention centres, it must be acknowledged that they were not as good as in prisons in developed countries. However, in accordance with the instructions they had received, the prison authorities were endeavouring, within the limits of the resources available to them, to ensure that detainees had sufficient food and treatment.

40. Child labour remained exceptional since legislation on the subject was very strict. There were very few street children because of the very strong bonds uniting members of large families.

41. It was true that a number of girls were sent for purposes of prostitution to neighbouring countries and that the parents were sometimes responsible for that situation since they naively believed the tales they were told about their daughters' employment prospects. Very often those girls quickly contracted AIDS. In that connection, it would be recalled that a newspaper in a neighbouring country had accused the Myanmar authorities of having attempted to eliminate those girls on their return to Myanmar by giving them cyanide injections. Other newspapers had taken up the story without checking it. The Myanmar authorities had been able to prove that that was a lie but the harm had already been done. That was one of numerous examples of misinformation to which Myanmar had fallen victim. In fact, the girls in question had been received and treated in a specialized centre.

42. It was true that the primary task of the Buddhist monasteries was to impart the teachings of Buddha to children, some of whom decided to become monks. In that connection, he pointed out that part of his own studies had been in a Catholic school where he had had to learn the rudiments of the Catholic faith.

43. On the question of legislation, the law on villages and the law on towns, which the British authorities had promulgated in colonial times in order to be able to recruit labour, and notably porters, were indeed incompatible with the Convention and with the ILO conventions, and his Government was considering repealing them. In any event, the problem of forcibly enlisted porters had ceased to exist when the Government had signed a cease-fire with all the former groups of insurgents.

44. ICRC was no longer active in Myanmar because the local personnel whom it had trained, notably in the manufacture of artificial limbs for victims of anti-personnel mines, were now themselves capable of operating the facilities which had been set up. The Government was currently holding negotiations with ICRC with a view to the signing of a memorandum of agreement.

45. His Government did not envisage abolishing the death penalty since it considered that that penalty still acted as a deterrent. It should, however, be noted that since the present Government had been in office, the death penalty had never been carried out.

46. The disparities between regions, notably with regard to the quality of infrastructure, were due not only to the many years of warfare, but also to the method of operation of the parliamentary regime in Myanmar since independence, which had hampered the development of the peripheral regions as they had no representatives in Parliament. The current Government was endeavouring to remedy those imbalances.

47. His delegation welcomed the Committee's suggestion concerning the establishment of a national centre for all children who, for some reason, had been separated from their family. That would make it easier to locate the parents. On the question of trafficking in children, the Government would endeavour to assess the extent of the problem, but it should be noted that frontier controls were very difficult for geographical reasons. However, the Government was now cooperating closely with neighbouring countries in order to limit trafficking to the fullest possible extent. As to children who were exploited by their own parents in the context of family businesses, the Government would do everything possible to change attitudes and impress upon parents the need to send their children to school.

The meeting rose at 1.10 p.m.